IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 4676 OF 2004

Shri Siddmallaya Guru Basaya Hiremat ..Petitioner.

Versus

Sau Sharda V. Ibrampur & Ors. ..Respondents.

Mr. Surel S. Shah for the Petitioner.

CORAM : S. A. BOBDE, J.
DATED : 13TH OCTOBER, 2005.

P.C.:

1. The petitioner has challenged the order of the Additional District Collector, Solapur, reversing the order of the Tahasildar, Akkalkot under the Mamlatdar Court Act, 1906. The appellate authority has come to the conclusion that the respondent has dug a ditch of about 100 to 150 feet from the Well of the petitioner. On a spot inspection, the appellate authority has come to the conclusion as follows :-

> "As the ditch is in front of the Well, the water will not flow to the opposite direction to the Well. On the other hand as the water will flow forward through the stream bed and ditch and as such there will not be any loss to the Opponent, which is very clearly established."

2. It is purely a finding of fact which is based on evidence. There is no reason for interference. Petition is dismissed.

DT. 13.10.05 (S.A.BOBDE,J)

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